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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,852

06/14/2006

Keisuke Onishi

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03/11/2011

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EXAMINER

OBAYANJU, OMONIYI

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

03/11/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

## Office Action Summary

Application No.

10/582,852

Applicant(s)

ONISHI ET AL.

Examiner

OMONIYI A. OBAYANJU

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8,10,11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) 3,6,9,12 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,10,11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 4, 5, 7, 8, 10, 11, 13, and 14 have been considered but are moot in view of the new ground(s) of rejection.

However, the Examiner further reviewed the Applicant's arguments and/or amendments which have been found not persuasive.

In **regards to the independent claim 1, the Applicant argued that the** prior art references (Takayama and Chinomi) fails to teach the at least claimed limitation "*where the information distribution server is equipped with: a content guide information distribution means that transmits a content guide information associating the content downloadable to the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment with the geographical area to which such content may be downloaded to the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment,*" ... *and the system is configured in such manner that the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment acquires the content guide information associating the content corresponding to the selected item in the menu list with the geographical area to which such content may be downloaded*".

The **Applicant specifically stated that** “*since in Takayama the mobile station can only receive content associated with the area of the mobile station is located; and the mobile station is unable to receive content guide information associating the content downloadable to the mobile telephones*”. Furthermore, the Applicant that “*the Examiner only relies on the secondary reference of Chinomi for teaching a display unit that displays a menu list for selecting a desirable item from within plural items, as noted in the second paragraph of page 6 of the Action*”.

In **response the Examiner respectfully disagrees with the Applicant's** arguments. Based on the Applicant's clarification as discussed in the interview and as presented in the amendments, the secondary prior art reference (Chinomi) clearly teaches the at least claimed limitations. The at least claimed “content guide information” has been fairly characterized as the “content download time” (pg. 15, pp0171, pp0173, and pp0170). These paragraphs further clearly teach that the user receives and/or download contents based on selected download time in accordance with the list of content providing areas.

Therefore, as will be discussed below, it would have been obvious for one of ordinary skill in the art to modify the teachings of Takayama with the teachings of Chinomi to achieve the ability of effectively, accurately, and reasonably directing subscriber and/or a communication device to acquire information in a communication system.

***Response to Amendment***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, and 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama et al. (US Publication No. 20010019960) in view of Chinomi et al. (US Publication No. 20040059498).

As to **claims 1, 4, 7, 10, 13**, Takamaya teaches an information distribution system comprising: an information distribution server (service system, fig. 2, #11) and a mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment (fig. 2), where the information distribution server (fig. 2, #11) is equipped with a content database that associates and memorizes content downloadable (service program) to the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment, or content data indicating the registration location of such content, and area information indicating the specific area to which such content may be downloaded by the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile

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communication terminal equipment (fig. 2, #25, and pg. 2, pp0040, lines 1-3); a distribution request reception means that receives content distribution requests from the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment (fig. 2, #22, and pg. 3, pp0075-0077, receives service selection from mobile terminal); a position judgment means that determines the position of the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment (fig. 2, #23, and pg. 3, pp0079 lines 1-5); and a distribution enabled/disabled decision means that checks the position of the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment determined by the position judgment means against the area information associated with the content whose distribution is requested (pg. 3, pp0079 lines 1-5), and decides whether to distribute the content data in question (pg. 3, pp0080, lines 1-10); and where the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment is equipped with: a position information transmission means that sends information on the current position of the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment to the information distribution server; and a distribution request means that makes distribution requests to the information distribution server (pg. 3, pp0075, lines 1-7, mobile station sends service selection information) and selects content to be downloaded according to information distributed by the information distribution server (pg. 2, pp0049-50 lines 1-7); unless the specific content is a content that is distributed in an area including the current position, the

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distribution request means transmits the distribution request of the specific content along with the information on the current position to the information distribution server when the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment moves to an area where the specific content is distributed (providing to users in the vicinity, pg. 5, pp0102-pp0103, and pp0105), and that when the information distribution server receives the distribution request of the content from the mobile terminal (pg. 2, pp0049-50 lines 1-7 and pp0040-0041), if the area information associated with the content whose distribution is requested matches the position of the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment, the information distribution server distributes the content data in question to the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment (pg. 2, pp0041, lines 1-8). However, Takamaya fails to teach a display unit that displays a menu list for selecting a desirable item from within plural items; and where the information distribution server is equipped with: a content guide information distribution means that transmits a content guide information associating the content downloadable to the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment with the area to which such content may be downloaded to the mobile terminal; and the system is configured in such manner that the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment acquires the content guide information associating the content corresponding to the selected item with the area to which such content may

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be downloaded, from the information distribution server and, in case of acquiring a specific content on the content guide information

But, Chinomi teaches a display unit that displays a menu list for selecting a desirable item from within plural items (list of contents that can be downloaded based on location, pg. 3, pp0042, and pp0047-pp0048); and where the information distribution server is equipped with: a content guide information (content download time) distribution means that transmits a content guide information (list content providing areas with associated download time) associating the content downloadable to the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment with the area to which such content may be downloaded to the mobile terminal (pg. 14, pp0171); and the system is configured in such manner that the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment acquires the content guide information associating the content corresponding to the selected item with the area to which such content may be downloaded (pg. 14, pp0171, pp0173), from the information distribution server and, in case of acquiring a specific content on the content guide information (download time of content based on selected criterion) (pg. 14, pp0171, pp0173). Thus, it would have been obvious for one of ordinary skill in the art to combine the teachings of Takayama with the teachings of Chinomi to achieve the ability of effectively, accurately, and reasonably directing subscriber and/or a communication device to acquire information in a communication system.



As to **claims 2, 5, 8, 11, 14**, Takamaya teaches wherein the position information transmission means comprises a current position detection means and a current position information transmission means that transmits current position information generated by the current position detection means (pg. 3, pp0071, pp0073, lines 1-8), and wherein the position judgment means (area decision device) determines the current position of the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment according to current position information received from the mobile telephones, Personal Handyphone System ("PHS") devices and other mobile communication terminal equipment in question (pg. 2, pp0041, lines 1-5).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMONIYI A. OBAYANJU whose telephone number is (571)270-5885. The examiner can normally be reached on Mon - Fri, 7:30 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinsong Hu can be reached on 571-272-3965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A. O./  
Examiner, Art Unit 2617

/MARIVELISSE SANTIAGO-CORDERO/  
Primary Examiner, Art Unit 2617